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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,346	07/25/2003	Donald G. Gordy	DUR-104	2326
27014	7590	05/18/2005	EXAMINER	
JOHN R. BENEFIEL 280 DAINES ST. #100 B BIRMINGHAM, MI 48009			FERGUSON, MICHAEL P	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/627,346	Applicant(s) GORDY ET AL.	
	Examiner Michael P. Ferguson	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
 4a) Of the above claim(s) 13-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☒ Claim(s) 5, 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Election/Restrictions

1. Applicant's election of Group I, claims 1-12, in the reply filed on April 20, 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 13-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected group, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on April 20, 2005.

Claim Objections

3. Claims 1, 4, 6 and 11 are objected to because of the following informalities:

Claim 1 (line 2) recites "said rod comprising: ". It should recite --said rod, comprising: --.

Claim 1 (line 8) recites "said vibration isolator". It should recite --said isolator--.

Claim 4 (line 2) recites "defined therein said recesses". It should recite --defined therein, said recesses--.

Claim 6 (line 2) recites "said vibration isolator". It should recite --said isolator--.

Claim 11 (line 1) recites "according to claim 9". It should recite --according to claim 10--.

Claim 11 (line 2) recites "said core portion". It should recite --a core portion--.

Art Unit: 3679

For the purpose of examining the application, it is assumed that appropriate correction has been made.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4 and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Liaw (US 5,219,242).

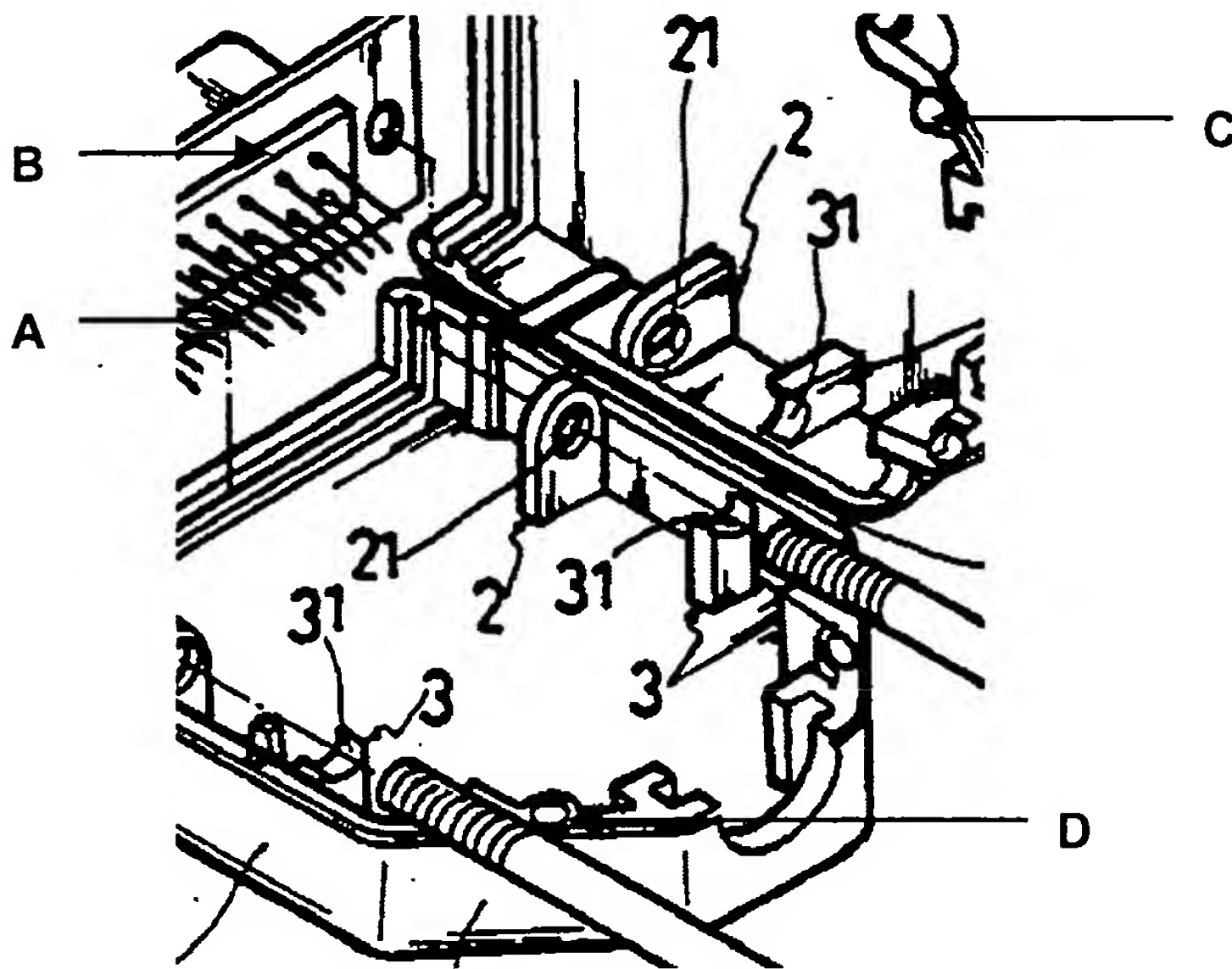
As to claim 1, Liaw discloses an arrangement for connecting one end of a rod **A** (pins **A**, Figure 2 reprinted below with annotations) to a headed pin **5** to enable engagement of the pin with the rod, comprising:

a housing **1** defining a pin receiving cavity formed therein with retention features **2,3** around the cavity engaging the headed pin so as to be retained therein;

a soft elastomeric isolator **B** (isolator **B** non-conductively isolates pins **A**) interposed between the housing and the one end of the rod;

the housing comprised of two pieces fit together and configured to enclose the isolator and also the one end of the rod, the two pieces joined together to form the housing (Figure 2).

Art Unit: 3679



As to claim 2, Liaw discloses an arrangement wherein the housing pieces **1** are joined together by snap fit prongs **C** on one housing piece received in receptacles **D** on the other piece (Figure 2).

As to claim 3, Liaw discloses an arrangement wherein the housing pieces **1** are molded as one part, the housing pieces connected together with an integral hinge **12** allowing the housing pieces to be swing together into abutment with each other and fit over the isolator **B** (Figure 2).

As to claim 4, Liaw discloses an arrangement wherein the housing pieces **1** each have a recess defined therein the recesses together forming a cavity when the housing pieces are assembled abutting each other enclosing the isolator **B** (Figure 2).

As to claim 7, Liaw discloses an arrangement wherein the isolator **B** is formed over the rod end.

Art Unit: 3679

The applicant is reminded that patentability determination of product-by-process claims is based on the product itself, even though such claims are limited and defined by the process. See MPEP § 2113. "The patentability of a product does not depend on its method of production." In re Thorpe, 777 F.2d 695,698,USPQ 964,966 (Fed.Cir.1985).

As to claim 8, Liaw discloses an arrangement wherein the housing pieces 1 are molded from a hard plastic.

As to claim 9, Liaw discloses an arrangement wherein the housing piece isolator receiving cavity has an interference fit with the isolator B when the housing pieces 1 are assembled (Figure 2).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 2, 7, 8 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terada et al. (US 5,613,792) in view of Oellers (US 6,257,563).

As to claims 1 and 7, Terada et al. disclose an arrangement for connecting one end of a rod 1 to a headed pin 11 to enable engagement of the pin with the rod, comprising:

a housing 21,41 defining a pin receiving cavity formed therein with retention features 27,28 around the cavity engaging the headed pin so as to be retained therein;

the housing comprised of two pieces **21,41** fit together and configured to enclose the isolator and also the one end of the rod, the two pieces joined together to form the housing (Figures 1 and 2).

Terada et al. fail to disclose an arrangement comprising a soft elastomeric isolator interposed between the housing and the one end of the rod, wherein the isolator is molded over the rod end.

Oellers teaches an arrangement comprising a soft elastomeric isolator interposed between a housing and one end of a rod, wherein the isolator is formed over the rod end; the isolator reducing shock and noise transmission from vibration, and reducing wear on the rod connection (column 1 lines 18-30). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify an arrangement as disclosed by Terada et al. to have an isolator as taught by Oellers in order to reduce shock and noise transmission from vibration, and reduce wear on the rod connection.

The applicant is reminded that patentability determination of product-by-process claims is based on the product itself, even though such claims are limited and defined by the process. See MPEP § 2113. "The patentability of a product does not depend on its method of production. " In re Thorpe, 777 F.2d 695,698,USPQ 964,966 (Fed.Cir.1985).

As to claim 2, Terada disclose an arrangement wherein the housing pieces **21,41** are joined together by snap fit prongs **45,44** on one housing piece received in receptacles on the other piece (Figures 2 and 7).

As to claim 8, Terada et al. disclose an arrangement wherein the housing pieces **21,41** are molded from a hard plastic.

As to claim 10, Terada et al. disclose an arrangement wherein the retention features **27,28** comprise a prong **27** on each housing piece projecting into the pin receiving cavity and being radially detectable to be able to receive a headed portion **12** on the pin **11** and allow passage thereby, and engaging the head of the pin after passage past the prongs (Figures 1 and 4).

As to claim 11, Terada et al. disclose an arrangement wherein the prongs **27** are each formed with an axially extending wall radially spaced from a core portion and also having a lip projecting inwardly from the wall having a sloping under surface engaged by the head **12** on the pin **11** to cause the radial deflection of the associated prong, and a flat surface engaging the head after the pin head has been inserted past the prongs to retain the pin in the cavity (Figure 4).

As to claim 12, Terada et al. disclose an arrangement wherein a web **28,43** is formed on each housing piece **21,41** extending over the cavity on one side to prevent insertion of the pin **11** from the one side (Figures 4 and 7).

Allowable Subject Matter

8. Claims 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter:

Art Unit: 3679

As to claim 5, Liaw discloses the claimed arrangement with the exception of wherein one end of the rod has a groove formed therein, and the isolator has a portion fit into the groove, the isolator having a groove formed therein, and the housing pieces each having a portion fit into the isolator groove when assembled together over the isolator.

It would not have been obvious to one having ordinary skill in the art at the time the invention was made to modify an arrangement as disclosed by Liaw to have the above mentioned elements as the prior art neither teaches nor suggests such modifications.

Conclusion

The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure. The following patents show the state of the art with respect to rod connectors:

Marx (US 4,225,261) and Cebollero (US 5,865,558) are cited for pertaining to arrangements comprising a rod, a pin and a connector housing.

Lomberty et al. (US 5,046,766) and Love (US 5,385,373) are cited for pertaining to arrangements comprising a housing comprising two pieces connected together with an integral hinge.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (571)272-7081. The examiner can normally be reached on M-F (8:00-5:00).

Art Unit: 3679

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600